

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA**

TYRIQ BROCKINGTON,

Plaintiff,

v.

C.O. GARCIA, et al.,

Defendants.

CIVIL ACTION NO. 3:20-CV-01575

(MEHALCHICK, M.J.)

ORDER

This is a *pro se* civil rights action, initiated by the filing of a Complaint in this matter on September 1, 2020, by prisoner-Plaintiff Tyriq Brockington. ([Doc. 1](#)). On April 26, 2021, Plaintiff filed a letter which the Court liberally interprets as a request for the Court to send witness subpoenas to four named individuals. ([Doc. 19](#), at 1). However, such a request is untimely and is not within the powers of the Court to grant. *See United States v. Rigas*, No. 4:05-CR-402, 2011 WL 7077329, at *4 (M.D. Pa. Oct. 31, 2011) (granting a motion to quash subpoenas, in part, because the court had yet to set a trial date and the request for subpoenas was premature); *see also Mala v. Crown Bay Marina, Inc.*, 704 F.3d 239, 243-44 (3d Cir. 2013).

Judges must remain impartial and such impartiality is put at risk “when they provide trial assistance to [either] party.” *See Mala*, 704 F.3d at 244. Therefore, “*pro se* litigants do not have a right to general legal advice from judges” nor are judges required “to take over chores for a *pro se* [litigant] that would normally be attended to by trained counsel as a matter of course.” *Mala*, 704 F.3d, at 243-44 (quoting *McKaskle v. Wiggins*, 465 U.S. 168, 183-84 (1984)); *see also Piller v. Ford*, 542 U.S. 225, 231 (2004). *Pro se* litigants are afforded “flexibil[ity] when applying procedural rules” and are required to be informed when a court converts a motion

to another form. See *Mala*, 704 F.3d at 244-45. Additionally, *pro se* litigants are provided lenience in the physical characteristics of their documents and their method of filing. M.D. Pa. LR 5.1; 5.6. *Pro se* litigants are not required to meet and confer regarding discovery matters, seek concurrence from an opposing party when filing a motion, or participate in initial and pretrial conferences. M.D. Pa. LR 5.4; 7.1; 16.1. *Pro se* litigants may also apply for a volunteer attorney and to proceed *in forma pauperis*. M.D. Pa. LR 83.34.1; 4.7. Litigants proceeding *in forma pauperis* are permitted dispersed filing fee payments over time. M.D. Pa. LR 4.7. However, none of these circumstances are applicable to Plaintiff's request "to send some papers to [his] witnesses." (Doc. 19, at 1).

As such, **IT IS ORDERED** that Plaintiff's Request (Doc. 19) is **DENIED** as untimely and improper.

BY THE COURT:

Dated: June 23, 2021

s/ Karoline Mehalchick

KAROLINE MEHALCHICK
United States Magistrate Judge